



Investigation Process of Child Suspect in Narcotics Crime in the National Narcotics Agency (Bnn) Central Java Province

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Abstract. The National Narcotics Agency is tasked with coordinating the formulation of policies and implementation in the field of availability, prevention and eradication of abuse and illicit trafficking of narcotics, psychotropics, precursors and other addictive substances. The purpose of this study is as follows: To find out and analyze the process of investigating child suspects in narcotics crimes at the National Narcotics Agency (BNN) of Central Java Province. To find out and analyze the obstacles in the process of investigating child suspects in narcotics crimes at the National Narcotics Agency (BNN) of Central Java Province and how to solve them. This study uses a sociological juridical approach, with descriptive research specifications. The data used in this study are secondary data obtained through library research and primary data obtained through field research interviews with the Central Java Provincial National Narcotics Agency Investigator which was then analyzed qualitatively using law enforcement theory and legal protection theory. Query The results of this study are the Investigation Process of Child Suspects in Narcotics Crimes at the National Narcotics Agency (BNN) of Central Java Province, namely: Investigation of narcotics crimes with the suspect on behalf of IM bin Subchan at BNN Central Java Province which includes investigation, arrest, detention, search, confiscation. The investigation conducted by the Central Java Province BNN was in accordance with the Criminal Procedure Code and Law Number 35 of 2009 concerning Narcotics. The obstacle is that it is quite time consuming compared to investigations in adult cases, because it must be accompanied by many assistants such as parents, and the supervisory office, while the process of applying for personnel from the supervisory center is quite long. Lack of public awareness to report. Lack of family role. The solution is: In this case the parties who participate in assisting the investigation process are expected to cooperate with the investigators so that the investigation process can run well and in accordance with existing procedures, and it is hoped that the parties from the supervisory center can coordinate so that the process can be handled more efficiently. Quickly considering the case is very emergency. The police are expected to provide counseling to the community, so that the public has the awareness to report cases related to narcotics to the police or can also report to IPWL (recipient institution obliged to report). Parents should also always be close to their children, provide reasonable supervision and control, advise their children when they do something wrong, and encourage their children to be able to distinguish between right and wrong.

Keywords: Investigation · Children · Crime · Narcotics · National Narcotics Agency (BNN)

1 Background

The National Narcotics Agency (BNN) is an Indonesian non-structural agency that is directly responsible to the President of the Republic of Indonesia.¹ The National Narcotics Agency was formed based on the Decree of the President of the Republic of Indonesia Number 17 of 2002 (later replaced by Presidential Regulation Number 83 of 2007). The National Narcotics Agency has the task of coordinating policy formulation and implementation in the field of availability, prevention and eradication of the abuse and illicit traffic of narcotics, psychotropics, precursors and other addictive substances.²

Discussion about children will never stop throughout the history of human life because children are the next generation of the nation, namely the generation that is prepared as a continuation in nation building as well as being in control of a country's future.³ Child protection in Indonesia means protecting the potential of Indonesia's human resources towards a just and prosperous society, both materially and spiritually based on Pancasila and the 1945 Constitution.⁴

Along with the times, the demands of life encourage a variety of criminal acts committed by humans. One of the criminal acts that often occurs today is the abuse of narcotics which is quite common among the public, even the current circulation of narcotics does not look at who is the user, regardless of the position, education and background of the person, ranging from ordinary people to officials. The country, from the adult community and even students of student age are involved in narcotics abuse.⁵

The criminalization of narcotics abuse must be accompanied by law enforcement for perpetrators through the penal system adopted in Indonesia, one of which is the penal system by implementing and imposing punitive sanctions on perpetrators through a judge's decision which aims to restorative justice based on treatment (care) not retaliation as is commonly adhered to. by the criminal system in Indonesia in the form of imprisonment.⁶

¹ Sepha Dwi Hananto, Anis Mashdurohatun, Penegakan Hukum Pidana Terhadap Terdakwa Pengguna Narkoba Yang Menjalani Rehabilitasi di Polda Jateng, *Jurnal Khaira Ummah*, Vol 13, No 1 (2018), page 161-170

² Peraturan Kepala Badan Narkotika Nasional Nomor PER / 4 / V / 2010 / BNN, BAB I ayat 1-3.

³ Andri Winjaya Laksana, Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak, *Jurnal Pembaharuan Hukum*, Vol 4, No. 1 (2017), page 57-64

⁴ Nashriana, 2011, *Perlindungan Hukum Pidana Bagi Anak di Indonesia*, Rajawali Pers, Jakarta, page 1

⁵ A. Hamzah dan RM surachman, 1994, *Kejahatan Narkotika dan Psicotropika*, Sinar Grafika, Jakarta, page 6.

⁶ Andri Winjaya Laksana, Sociological Analysis Of Narcotics Circulation Treatment On Students, *Jurnal Pembaharuan Hukum*, Vol 8, No 1 (2021), page 105-117

Legislative provisions governing narcotics and psychotropics issues have been drafted and enforced, however crimes related to narcotics and psychotropics have not been appeased.⁷ In the last cases, many drug dealers and dealers have been caught and given severe sanctions, but other perpetrators seem to be ignoring them and are even more likely to expand their area of operations.⁸

Narcotics and psychotropic crimes referred to in Law no. 5 of 1997 concerning Psychotropics, and Law no. 22 of 1997 concerning Narcotics provides for quite severe criminal sanctions, however, in reality the perpetrators of crimes are actually increasing, and for convicts in reality they are not deterred and there is a tendency to do it again. This can be caused by the existence of criminal imposition factors that do not have an impact on the perpetrators.⁹

Narcotics abuse is a special crime that requires special handling, because it causes great losses to the state and damages the mentality of the younger generation.¹⁰ Child legal protection is all activities to ensure and protect children and their rights so that they can live, grow, develop and participate optimally and in accordance with human dignity and values, and are protection from violence and discrimination.¹¹

The drug abuse problem is a complex problem that requires comprehensive prevention efforts involving working with a multidisciplinary, multisectoral, and active community participation.¹² The rise of drug abuse is not only in big cities, but has penetrated into small-scale cities including Magelang. One component of law enforcement in Indonesia is the Attorney General's Office (hereinafter referred to as the Attorney General), where one of the Prosecutor's roles is in the prosecution of criminal acts.¹³

In drug-prone areas, the majority of drug abuse is triggered by the large number of children dropping out of school. Low level of education with unstable economic conditions resulted in them having no deterrence against drug deals. Schools as formal educational institutions should be able to provide solutions for students who experience drug addiction, but in reality students who are involved in drugs will be immediately expelled by the school because they are considered to have tarnished the good name of the school so that they lose their way and become drug addicts.

⁷ Indah Lestari, Sri Endah Wahyuningsih, Penegakan Hukum Pidana Terhadap Pengguna Narkoba Di Polda Jateng, *Jurnal Hukum Khaira Ummah*, Vol. 12. No. 3 (2017), page 601-602

⁸ Andri Winjaya Laksana, Tinjauan Hukum Pemidanaan Terhadap Pelaku Penyalahgunaan Narkotika Dengan Sistem Rehabilitasi, *Jurnal Pembaharuan Hukum*, Vol 2, No 1 (2015), page 74-85

⁹ Moch.Faisal Salam, 2005, *Hukum Acara Peradilan Anak di Indonesia*, Mandar Maju, Bandung, page 2

¹⁰ Andri Winjaya Laksana, The Legal Position Of Islamic Boarding School (Pesantren) As A Rehabilitation Effort For Narcotics Abuse, *International Journal of Law Reconstruction*, Vol 5, issue 2 (2021), page 1-10

¹¹ Arif Hidayat and Sri Endah Wahyuningsih, *Role Of Prosecutor General Prosecution Of Actors In The Implementation Of Abuse Of Narcotics Crime (Case Study in Magelang District Attorney)*, dalam *Jurnal Daulat Hukum*, Volume 1 No. 3 (2018), page 446

¹² Anis Mashdurohatun, M. Ali Mansyur, Identifikasi Fair Use/Fair Dealing Hak Cipta Atas Buku Dalam Pengembangan Iptek Pada Pendidikan Tinggi Di Jawa Tengah, *Yustisia Jurnal Hukum*, Vol 4, No 3, page 522-540

¹³ Faisal, Moch, 2005, *Hukum Acara Peradilan Anak di Indonesia*, Mandar Maju, Bandung.

2 Metode Penelitian

The approach method used in this study is a sociological juridical approach.¹⁴ The sociological juridical approach is to identify and conceptualize law as a real and functional social institution in a real life system.

3 Discussion

In general, the background of drug abuse in Central Java is the trend of promiscuity and the influence of western culture which is inconsistent with Indonesian culture which prioritizes noble manners and manners. With a background of different problems such as the result of a family situation that is less harmonious and the lack of attention from parents to their children and other problems that cause stress and seek escape to avoid the problems they face. Therefore, to overcome the circulation and abuse of narcotics, the BNN in Semarang City has an important role, which is expected to tackle the narcotics problem because the BNN is a government agency devoted to dealing with the prevention and eradication of drug abuse and illicit trafficking.

Carrying out the task of eradicating the abuse and illicit traffic of Narcotics and Narcotics Precursor, the National Narcotics Agency has the authority to conduct investigations and investigations into the abuse and illicit traffic of Narcotics and Narcotics Precursor. The National Narcotics Agency (BNN) is also tasked with formulating and implementing national policies regarding the prevention and eradication of the abuse and illicit traffic of psychotropics, precursors and other addictive substances, except for addictive substances for tobacco and alcohol.

The National Narcotics Agency is specifically authorized by the Narcotics Law Number 35 of 2009 in Article 70 letter b, namely BNN has the duty to prevent and eradicate, abuse and illicit traffic of Narcotics and Narcotics Precursor which in this case can be carried out directly by the Narcotics Agency National at the Central level and can be mandated to the institutions below, namely the Provincial National Narcotics Agency and the National Narcotics Agency at the District/City level.

Examining children's cases is not carried out as examining adult cases, but is carried out in a family manner and in a special place as well. If the investigator does not understand a matter, the investigator can ask for an adviser in accordance with the provisions of Article 42 paragraph (2) of Law Number 3 of 1997 concerning Juvenile Court. The results of the examination must be kept secret, because to protect the future of the child and the good name of his family.¹⁵

Investigations of children who are involved in the law must be in a family atmosphere, from this provision it is explained that the examination is carried out in an effective approach, meaning that the examination does not take long, uses language that children can easily understand, and can invite suspects to provide clear and sympathetic information. During the examination, the investigator must be polite and friendly and

¹⁴ Anis Mashdurohaturun, M. Ali Mansyur, Identifikasi Fair Use/Fair Dealing Hak Cipta Atas Buku Dalam Pengembangan Iptek Pada Pendidikan Tinggi Di Jawa Tengah, *Yustisia Jurnal Hukum*, Vol 4, No 3, page 522-540

¹⁵ Faisal, Moch, 2005, *Hukum Acara Peradilan Anak di Indonesia*, Mandar Maju, Bandung.

not give the impression of being afraid of the suspect. The goal is that the examination can run smoothly, because children who feel afraid when facing investigators will certainly have difficulty conveying correct and clear information, and during examinations, investigators may not wear uniforms.

Legal protection for children in narcotics cases in the trial process generally lies in statements from witnesses that can be heard and attended by child defendants then sanctions based on Law Number 35 of 2009 concerning narcotics and the provision of rehabilitation for child defendants in narcotics cases.

Obstacles to the Process of Investigating Child Suspects in Narcotics Crimes at the National Narcotics Agency (BNN) of Central Java Province, namely:

1. It is quite time-consuming compared to investigations in adult cases, because you have to be accompanied by many companions such as parents, and the supervisory office, while the process of submitting staff from the supervisory agency is quite long.
2. Lack of public awareness to report. This is because the community still has fear of the police and prefers to remain silent and not report.
3. The lack of the role of the family, overcoming narcotics abuse, especially in children, is not only the duty of the authorities, but the role of the family, especially parents, is very important because social relations within the family are permanent, so parents play an important role in the process of socializing children. Therefore, parents must pay attention to educating their children so that these children get the right pattern of social life.

Efforts to overcome the Obstacles to the Process of Investigating Child Suspects in Narcotics Crimes at the National Narcotics Agency (BNN) of Central Java Province, namely:

1. In this case, the parties involved in accompanying the investigation process are expected to work together with the investigators so that the investigation process can run well and in accordance with existing procedures, and it is hoped that the parties from the supervisory office can coordinate so that the process can be handled more quickly because this case is very urgent.
2. The police are expected to provide counseling to the community, so that the community has awareness to report cases related to narcotics to the police or can also report to IPWL (recipient institution is obliged to report).
3. Parents should also always be close to their children, provide reasonable supervision and control, advise their children when they do wrong things, and encourage their children to be able to distinguish between right and wrong.

4 Conclusion

1. The process of investigating a child suspect in a narcotics crime at the National Narcotics Agency (BNN) of Central Java Province is: Investigation of a narcotics crime with the suspect on behalf of IM bin Subchan at BNN Central Java Province which includes investigations, arrests, detentions, searches, confiscations Investigations involving carried out by BNN Central Java Province is in accordance with the Criminal Procedure Code and Law Number 35 of 2009 concerning Narcotics.

2. Obstacles to Investigating Child Suspects in Narcotics Crime at the National Narcotics Agency (BNN) of Central Java Province and their solutions. The obstacle is that it is quite time-consuming compared to investigations in adult cases, because you have to be accompanied by many assistants such as parents and supervisory agencies, while the process of submitting staff from the supervisory agency is quite long. Lack of public awareness to report. Lack of family role The solution is: In this case the parties involved in assisting the investigation process are expected to be able to work together with investigators so that the investigation process can run well and in accordance with existing procedures, and it is hoped that the parties from the supervisory office can coordinate so that the process can be handled more quickly considering the case is very emergency. The police are expected to provide counseling to the community, so that the community has awareness to report cases related to narcotics to the police or can also report to IPWL (obligatory reporting receiving institution). Parents should also always be close to their children, provide reasonable supervision and control, advise their children when they do wrong things, and encourage their children to be able to distinguish between right and wrong.

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